

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

STEPHON CHAPMAN,

PLAINTIFF

V.

NO. 4:07CV052-P-D

STATE OF MISSISSIPPI, et al.,

DEFENDANTS

ORDER

This matter is before the court on Plaintiff's motion for summary judgment. In his complaint, Plaintiff complains of a 110 day delay in diagnosis and treatment for a broken foot. Upon the Magistrate Judge's recommendation, several of the Defendants who did not have any personal involvement in the delay or providing medical treatment to Plaintiff were dismissed. Plaintiff is now asking that the court enter summary judgment against the remaining Defendants.

Plaintiff's motion, however, is premature and, in any event, he has failed to show that there is no genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 325, 106 S. Ct. 2548, 2554, 91 L. Ed. 2d 265, 275 (1986) ("the burden on the moving party may be discharged by 'showing'...that there is an absence of evidence to support the non-moving party's case"). Accordingly, the court finds that the motion (docket entry 55) is DENIED.

THIS the 3rd day of March, 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE